



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/646,520	05/07/96	WOLFINBARGER JR.	L 152.116/SHK

33M1/0709

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EXAMINER
BLYVEIS, D

ART UNIT	PAPER NUMBER
3306	#6

DATE MAILED: 07/09/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/646,520

Applicant(s)
Wolfenbarger, Jr.

Examiner
Deborah Blyveis

Group Art Unit
3306



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-27 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-10, 12-15, 17, 18, and 21 is/are rejected.

☒ Claim(s) 11, 16, 19, 20, and 22-27 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit:

Claim Objections

1. Claims 11, 20, 22, and 23 are objected to under 37 CFR 1.75© as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims not been further treated on the merits.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1, 3, 5-7, 9, 10, 12, 13 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Morse et al ('626').

Morse et al. discloses a method for removing bone marrow whereby a high pressure solvent is introduced into the bone that inactivates bacteria, fungi, virus, and parasites, see ex. 5.

4. Claims 1, 3-6, 8, 14-15, and 17-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Morse et al. ('662').

Morse et al. discloses a method whereby negative pressure is applied in a vacuum at less than atmospheric pressure to remove bone marrow, see ex. 7, 8 and abstract. This method decreases initial viral and bacterial particles by applying a bacteriocidal and viricidal agent.

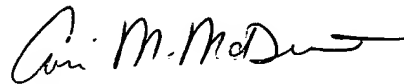
Art Unit:

Allowable Subject Matter

5. Claims 16, 19, and 24-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Knaepler et al., Mueller-Glauser et al., Myers et al., Kaplan, and Czarniecki et al. disclose analogous an analogous devices.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deborah Blyveis whose telephone number is (703) 308-2110.



CORRINE M. MCDERMOTT
PRIMARY EXAMINER
GROUP 3300

d.b. 03 7/1/97

July 1, 1997